

**MINUTES**  
**OF**  
**THE UTAH RADIATION CONTROL BOARD**

**June 6, 2008**

**Department of Environmental Quality, DEQ Building #2**

**Conference Room 101**

**168 N 1950 W**

**Salt Lake City, Utah 84114-4850**

**BOARD MEMBERS PRESENT**

Kent J. Bradford, P.G., Chair  
Dane L. Finerfrock, Executive Secretary  
Scott Bird  
Frank D. DeRosso, MSPH, C.I.H.  
Elizabeth Goryunova, M.S.  
Peter A. Jenkins, M.S., CHP  
Joseph K. Miner, M.D., MSPH  
Gregory G. Oman, D.D.S., B.S.  
John W. Thomson, M.D.

**PUBLIC**

Charles Judd, Cedar Mountain  
Environmental, Inc.  
Romaine Marshall, EnergySolutions  
Arthur Raymond, Deseret Morning News  
Tye Rogers, EnergySolutions  
Jim Sweet, Gamma West Brachytherapy  
Christopher Thomas, HEAL-Utah

**BOARD MEMBERS ABSENT/EXCUSED**

Patrick D. Cone  
Christian K. Gardner  
Joette E. Langianese, Commissioner  
Stephen T. Nelson, Ph.D., Vice Chair  
Richard W. Sprott, DEQ Director

**DRC STAFF/OTHER DEQ MEMBERS  
PRESENT**

Edith Barker, DRC Staff  
Phil Goble, DRC Staff  
John Hultquist, Section Manager  
Boyd Imai, DRC Staff  
Craig Jones, Section Manager  
Laura Lockhart, Attorney General's Office  
Yoli Necochea, DRC Staff  
Fred Nelson, Attorney General's Office  
Loren Morton, Section Manager  
Bill Sinclair, DEQ Deputy Director

## **GREETINGS/MEETING CALLED TO ORDER**

The Utah Radiation Control Board convened in the Department of Environmental Quality (DEQ), Conference Room 101, 168 North 1950 West, DEQ Bldg. 2, Salt Lake City, Utah. Kent J. Bradford, Chair, called the meeting to order at 2:00 p.m. He welcomed the Board Members and the public. Chairman Bradford indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

### **I. APPROVAL OF MINUTES (Board Action Item)**

#### **a. Approval of the Minutes for May 2, 2008 Board Meeting**

Kent J. Bradford, Chair, asked the Board for corrections to the minutes from May 2, 2008. There were no corrections to the minutes.

**MOTION MADE BY GREGORY G. OMAN TO APPROVE THE MINUTES.**

**MOTION SECONDED BY SCOTT BIRD.**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

### **II. RULES No Items**

### **III. RADIOACTIVE MATERIALS LICENSING/INSPECTION (Board Information Item)**

#### **a. Requirements for Fingerprinting and FBI Background Checks for Certain Licensees**

Craig Jones, Section Manager, informed the Board on this item. Mr. Jones reminded the Board that at the Board meeting of September 7, 2007 that he briefed the Board regarding new license condition changes made by the U.S. Nuclear Regulatory Commission (NRC). This order requires fingerprinting by the Federal Bureau of Investigation for identification and also a criminal history background check. This applies to individuals who will have unescorted access to large amounts of radioactive materials. The U.S. Nuclear Regulatory Commission's order was issued on December 5, 2007. It appeared in the "Federal Register," Volume 72 on December 13, 2007.

Agreement States, like Utah, have implemented NRC's requirements. DRC has applied these requirements to our existing radioactive materials licenses. It involved making amendments to the existing radioactive materials licenses. The requirements are essentially identical to those imposed by the U.S. Nuclear Regulatory Commission.

The amendments were signed by the Executive Secretary and were made effective on May 16, 2008. There are 19 licensees that were affected by this action. The licensees are required to take the following steps:

- (1) By July 15, 2008, sixty days after the amendment is issued, the licensee will be required to submit a schedule for when they will meet each requirement that is outlined in the license amendment to the Executive Secretary.
- (2) By August 14, 2008, ninety days after the effective date, the licensee will be required to establish and maintain a fingerprinting program that meets the requirements specified in the license amendment. In addition, the licensee will be required to send the Executive Secretary certification that the individual is deemed by the licensee to be trustworthy (T) and reliable (R). They are often referred to as T and R Officials. The T and R Official will have the responsibility to look at all of the documentation for employees who will have unescorted access around radioactive materials. The T and R will determine that unescorted people are in fact trustworthy and reliable.
- (3) Finally, the licensee will have to implement the established program by November 12, 2008, one hundred and eighty days after the license amendment is effective.
- (4) Within twenty-five days after the licensee has implemented the new requirements, they will be required to notify the Executive Secretary that they have achieved full compliance.

Mr. Jones referred the Board Members to a flow chart which outlines the step-by-step process that the U.S. NRC and the Agreement States will be making in this effort. Mr. Jones asked the Board if they had any questions.

#### **Questions by the Board:**

Scott Bird asked how large of quantities of radioactive materials were being used?

Craig Jones responded that it was specific to the radionuclide. He gave examples of the most commonly used radioactive materials:

- (1) Americium 241 is used to fix gauging devices. The quantity is 16 curies.
- (2) Iridium 192 is used in industrial radiography for medical treatment programs. The quantity is 22 curies.
- (3) Cesium 137--the quantity is 27 curies.

Dr. Joseph K. Miner asked Mr. Jones how many licensees would be affected, and if the identity of the licensees would be public information or if their identity would be kept confidential for security reasons.

Craig Jones responded that the licensees' information would be managed under a provision of the Government Records Access Management Act (GRAMA), which is classified as protected information.

#### **IV. X-RAY REGISTRATION/INSPECTION (Board Action Item)**

##### **a. Approval of Mammography Imaging Medical Physicist**

Craig W. Jones, Section Manager, informed the Board on this item. Mr. Jones asked the Board to refer to the supplemental packet that was handed out earlier. Mr. Jones said that last month seven individuals were approved by the Board for recertification as Mammography Imaging Medical Physicists (MIMP). On the day the Board met, June 6, 2008, an eighth individual from Oregon mailed his recertification application. It was received at the DRC on the following Monday, June 9, 2008.

The eighth individual is Gene Wollen from Tiggard, Oregon. Mr. Wollen submitted his application to be recognized as an MIMP. Mr. Jones said that he reviewed the application. He said Mr. Wollen has satisfied the requirements to be recertified as an MIMP. The effective date for Mr. Wollen to be approved as an MIMP should start on June 7, 2008.

##### **RECOMMENDATION:**

The Executive Secretary recommended that the Board approve Mr. Gene Wollen as a Mammography Imaging Medical Physicist. The effective date of his approval should be from June 7, 2008 to May 31, 2009.

**MOTION MADE BY SCOTT BIRD TO APPROVE THE  
RECERTIFICATION OF GENE WOLLEN AS A  
MAMMOGRAPHY IMAGING MEDICAL PHYSICIST AND THAT  
MR. WOLLEN IS ADDED TO THE LIST OF RECERTIFIED  
MIMPS.**

**MOTION SECONDED BY GREGORY G. OMAN.**

**MOTION CARRIED AND PASSED UNANIMOUSLY**

#### **V. RADIOACTIVE WASTE DISPOSAL (Board Information Items)**

##### **a. Briefings by Bill Sinclair on the Low-Level Radioactive Waste Forum and the Northwest Interstate Compact**

### **Low-Level Radioactive Waste Forum**

Bill Sinclair, Deputy Director for the Department of Environmental Quality (DEQ), informed the Board on this item. He handed out a copy of his presentation to the Board.

Bill Sinclair, Deputy Director of DEQ, recognized and thanked the three Board Members whose terms had expired and would be leaving. They were: (1) Kent J. Bradford, (2) Gregory G. Oman, and (3) Stephen T. Nelson. Mr. Sinclair said these particular Board Members came on-board many years ago when he was the Executive Secretary of the Board and Director for the Division of Radiation Control. He said on behalf of the Department of Environmental Quality he appreciated their many years of service to the Division of Radiation Control, to the Department and to the State of Utah.

Mr. Sinclair gave the Board background information on the Low-Level Radioactive Waste Forum. He said that the LLRW Forum is comprised of state and compact representatives. Compact means a group of states that have banded together and are trying to site a low-level waste facility. These representatives are appointed by the governors of each state. He said that he was the representative for Utah and an Executive Committee Member of the forum. He said that Dane Finerfrock and Craig Jones were the alternate representatives.

Mr. Sinclair updated the Board with a power point presentation. After his presentation, Mr. Sinclair asked the Board, if they had any questions. There were no questions.

### **Northwest Interstate Compact (NWIC)**

Bill Sinclair, Deputy Director for DEQ, continued with his next presentation on the Northwest Interstate Compact (NWIC). The meeting was held in Boise, Idaho on May 8, 2008. Mr. Sinclair said that the Northwest Interstate Compact was created by the Federal Low-Level Policy Act. He said at this meeting the states work together to create a regional site and designate a host state.

The NWIC is comprised of the following States: Utah, Idaho, Montana, Wyoming, Oregon, Washington, Alaska, and Hawaii. There are eight states. The Compact States have worked together to create a regional site/host state. Washington is the host state, and the compact facility is located on the Hanford Reservation. This property is leased to the State of Washington by the Federal Government. The facility is operated by U.S. Ecology. The State of Washington regulates the rates that apply to waste being disposed at the waste facilities—this guarantees that the company will profit. All commercial low-level waste from forum-member states

are sent to the U.S. Ecology facility in Washington. The NWIC tries to meet on an annual basis. They have their meetings at each state, except Alaska and Hawaii.

Bill Sinclair continued with the slide presentation. After his presentation, Mr. Sinclair answered a few questions from the Board members about the NWIC and also about *EnergySolutions'* lawsuit challenging the NWIC's authority.

**b. Briefing by Kent Bradford on Testimony Given to the House of Representatives Subcommittee on Energy and Air Quality**

Kent J. Bradford, Vice Chair, said that he received a letter on May 12, 2008. He said the letter was an invitation from the Chairman of the U.S. House of Representatives Committee on Energy and Commerce to attend a hearing that was going to be held on May 20, 2008. He said that he and Dane Finerfrock were able to put together a written testimony and submit it to them ahead of time. They invited him, Mr. Bradford, to talk about the Board's position with regards to importing foreign low-level radioactive waste into Utah.

Panel I consisted of Mr. Kent J. Bradford and Ms. Margaret Doane, Director for the Office of International Programs from the U.S. Nuclear Regulatory Commission (NRC). Panel II consisted of Mr. Steve Creamer, Chairman and Chief Executive Officer of *EnergySolutions* and Mr. Gene Aloise, Director for the Natural Resources and Environment, U.S. Government Accountability Office.

Kent J. Bradford said that he and Ms. Doane were the first to testify. He said the committee representatives had more questions for Ms. Doane than they had for him.

The purpose of the hearing was to discuss legislation that is being considered to ban the import of foreign waste. This issue was instigated by the license amendment request to import foreign waste made by *EnergySolutions*.

The transcript of the meeting can be found on the House of Energy and Commerce Committee's website:

[http://energycommerce.house.gov/cmte\\_mtgs/110-eaq-hrg.052008.RadioactiveWaste.shtml](http://energycommerce.house.gov/cmte_mtgs/110-eaq-hrg.052008.RadioactiveWaste.shtml)

Kent J. Bradford, Chair, said that it was an interesting meeting, and he encouraged the Board to listen to the meeting on-line or to read the transcript.

### **Questions by the Board**

Frank D. DeRosso asked what the NRC Representative, Ms. Doan, said.

Kent J. Bradford responded that Ms. Doan's statement was that they had received EnergySolutions' license amendment application. Ms. Doan said that they had not made a ruling on the application. The amendment was currently in the public comment period. She said she was hesitant to get into anything that might indicate they were leaning one way or the other. There were some challenging questions she answered. She also gave them a lot of background on the number of facilities importing foreign waste. She said there have been waste imports before into the United States, but the waste imports have been small compared to the volume requested by EnergySolutions.

## **VI. URANIUM MILL TAILINGS UPDATE**

**No Items**

## **VII. OTHER DIVISION ISSUES**

### **Appeal by Cedar Mountain Environmental – Limited Discovery**

Dane L. Finerfrock, Executive Secretary, informed the Board that he had a letter from Cedar Mountain Environmental, Inc. He distributed the letter to the Board Members

Fred Nelson, DEQ Attorney, discussed the letter. Fred Nelson said, as the Board is aware, a license renewal was issued to EnergySolutions and the license renewal was appealed by Cedar Mountain Environmental, Inc. (CME). This matter is pending before the Board. He indicated to the Board that the letter that was received by the Board was not distributed consistent with the Notice of Further Proceedings Order. The letter is an adjudicated matter. He said that anything submitted to the Board has to be submitted to all of the parties; otherwise, it is considered an ex-party communication.

Fred Nelson, Esq., reminded the Board that this is an adjudicated proceeding and all parties to the proceeding must be given a fair opportunity to see all matters and to respond to them. In this particular case, this was not done. He reminded Mr. Charles Judd, President of Cedar Mountain Environmental, to follow the requirements of the Notice of Further Proceedings Order. Mr. Nelson said he made an effort to give copies to EnergySolutions and Laura Lockhart, from the Attorney General's Office. In the future, all parties need to make sure that this is done appropriately.

### **Questions by the Board**

Peter Jenkins asked if the letter addresses "Limited Finding for Discovery" on the

behalf of Mr. Judd.

Fred Nelson, DEQ Attorney, responded that Cedar Mountain Environmental, Inc., did submit a request several days ago to the Board, and it was served to the parties. He said the request was not submitted within the appropriate timeframe for EnergySolutions to respond; consequently, it will be considered at the next Board meeting. But he said, at this point, it was not filed within the required ten day time-frame; therefore, at this time, it cannot be considered by the Board.

**VIII. PUBLIC COMMENT**

**No Items**

**IX. OTHER ISSUES**

**DRC Board Meeting for July 4, 2008 was Cancelled Due to the Independence Holiday. Discussion on Scheduling the Next Meeting.**

The Board Members discussed whether they should have a meeting in July, after the Independence Holiday. Because of the timing of the submittals, the Board would not be ready to consider the request in time for the July meeting. The Board decided not to have a meeting in July, 2008.

Dane L. Finerfrock, Executive Secretary, thanked the Board Members on behalf of the Department of Environmental Quality and on behalf of the DRC Staff for serving on the DRC Board: Kent J. Bradford, Gregory G. Oman and Stephen T. Nelson.

The next Board Meeting will be held on August 1, 2008.

**THE BOARD MEETING ADJOURNED AT 2:49 P.M.**